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Obiter ♦ Dicta

Vol 87 Issue 13

The Definitive Source for Osgoode News

March 24, 2014



REBECCA YING AND MICHAEL ASHLEY GIVING YOU JUST A TASTE OF ALL THE FIERCENESS AT THIS YEAR'S DRAG SHOW.

Gender-bending bash anything but a drag

TRAVIS WEAGANT

Editor-in-Chief

ON THURSDAY, March 13, the third-annual Wendy Babcock Drag Show exploded onto the stage in the JCR, covering all present in glitter, mascara, and Bambino. This year's incarnation was hilarious, inspiring, and – most importantly – entertaining.

The night kicked off with a video produced by Quinn Harris of Mock Trial fame. The film documented some goings-on in the first-floor men's room, including the application of makeup, some undefined but undoubtedly scandalous activity involving three performers packed into a stall, and no small amount of footage of Titus Totan spinning tassels attached to his nipples. What a wonderful thing.

Kudos also to Dan Akinbosede. "My Humps" is over four minutes long, and you danced the whole thing with such conviction that we were all transfixed. You're a national treasure.

The faculty contingent at the Drag Show has grown steadily larger each year. 2014's offerings were stellar. Lady Bhabha returned to join the

Mock Trial Band for a performance of "Karma Chameleon", a distinctly more retro choice than last year's performance, and one that doubtless introduced an entire generation of law students to Culture Club.

Professors Girard and Murphy also took to the stage for the year's second homegrown Osgoode performance of "Wilkommen" from *Cabaret*. This number then gave way to Lisa Durnford and Rebecca Ying (who was, in her own words, "dressed as a man dressed as a woman"), the evenings hosts, who took to the stage and promptly engaged in some saucy ribbing of Dean Sossin and Assistant Dean Mya Bulwa, both of whom appeared to be enjoying themselves. The continual support of Osgoode's faculty for this worthwhile event couldn't be more clear (in 2013, Dean Sossin donned a feather boa and recorded a message for the audience when he could not attend the show in person).

Little did I know, however, that another faculty member was hiding in plain sight, waiting for his time to shine. In the second act, Mock Trial Band alumnus Tom Wilson (nice legs, as usual) accompanied the stunning Professor Bruce Ryder. On

the one night of the year when Ozzies show off their absolute best in the field of makeup art, Bruce Ryder was positively transformed. There are no words. Tom accompanied the Professor in a mesmerizing cover of "Satisfaction", though he never did sing the chorus. What a tease.

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- MARCUS TULLIUS CICERO

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Submissions for the February 3 issue are due at 5PM on January 26, and should be submitted to the email address above.

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EDITORIAL

Looking for love in all the wrong places, or, how *The Bachelor* is like Bay Street

THOUGH THIS issue of the *Obiter* hits stands (or MacBook screens) two weeks after the finale of the most depressing season of *The Bachelor*, your EICs were so struck by the similarity between us law students and Clare Crawley that we decided to forego timeliness ever so slightly in aim of expounding this cautionary tale of love, rejection, and self-delusion.

For those of you who have been living under a rock (or who have better things to do) the eighteenth season of *The Bachelor* featured Juan Pablo Galavis, Latin lothario turned PR disaster/creep of the century. After slut-shaming a woman on national television and relying on his language barrier to excuse calling gay people perverts, JP ended the season with a bang by telling frontrun-

ner Clare that he couldn't wait for her to have his children about twelve hours before unceremoniously dumping her, all because she had the nerve to raise objection to...well, just google "what Juan Pablo said to Clare in the helicopter". The tribunal of past Bachelor contestants noted that it was disheartening to see Clare's intuition ringing the night before their last encounter when she confronted him about his apparent misogyny, only to be silenced by JP's patronizing words. In the post-finale debrief, Clare proudly declared that she was proud of the harsh words she had dished out to JP when he let her go. She had stood up to him, getting the closure she needed and asserting her feelings. Unfortunately for Clare, she didn't seem to

realize that her moment of profound self-actualization came after "practically begging" for marriage (in the words of JP's charming cousin; chivalry obviously runs in the family) and crawling back for more each time her suitor undermined her dignity. All this combined made her send-off seem more like a sour-grapes post-facto rationalization than a feminist victory.

Why are we recounting such drivel? Because we are all Clare. Though the title of this editorial references Bay Street for alliterative purposes, this metaphor of one-sided adoration applies much more widely to the relationship we occasionally and inevitably have with legal employment of all shapes and sizes. Which one of us hasn't found ourselves on the unpleasant end of a post-interview phone



THE MOMENT IT ALL CAME CRASHING DOWN.

call or email? Who hasn't become (dare we say it) emotionally invested in the thought of a future at a firm, only to learn their love was unrequited? Who is stranger to the sinking feeling that your gut was right all along, and that you should have known this was not the work environment for you, before investing all that time and energy into interview prep?

What lessons can we draw from this? The irony is that JP, blessedly unaware of his own stupidity and pig-headedness, inadvertently exposed *The Bachelor* for the vapid sham that it is more effectively than any biting op-ed ever could. And in all this, the viewers are the twisted ones: someone

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Wacky wigs inspiring change

CITLALLY MACIEL

News Editor

IN THE foreword of the Access to Justice in Civil and Family Matters Report: *A Roadmap for Change*, Chief Justice McLachlin said, “the problem of access to justice is not a new one. As long as justice has existed, there have been those who struggled to access it... we [are] increasingly failing in our responsibility to provide a justice system that [is] accessible, responsive and citizen-focused. Reports told us that cost, delays, long trials, complex procedures and other barriers were making it impossible for more and more Canadians to exercise their legal rights.”

The access to justice crisis is a problem that we often hear about. Government and independent groups have formed committees and associations, resulting in numerous reports and studies in connection with the topic. The subject is also routinely covered by the media.

Yet, despite the ubiquity and blatancy of the situation, one has to wonder whether all this is just talk rather than meaningful and effective action. More importantly, given the magnitude of the problem, one cannot help but wonder whether a feasible solution exists; one cannot help but question whether change will one day take place.

Well, someone once said that the first step toward change is awareness. For a while now, law schools have endeavoured to bring the issue to the attention of their students. They have created platforms, not only to discuss the problem, but also to create solutions.

Such endeavour was commended by Chief Justice McLachlin in a recent event organized by Pro Bono Students Canada. Recalling her days in law school, she told the audience about the complete lack of opportunities for students to become engaged. It was not until she was an articling student, she said, that Chief Justice McLachlin could engage in some pro bono work. But even then, it seemed like taking on these files was purely incidental. Working on pro bono files was an involuntary task in the sense that getting her hands on them depended on whether or not the lawyers would ask her to help out. There were no opportunities available for her to take them on out of her own initiative. It appears then, that for all their efforts to get students involved, Chief Justice McLachlin gives the law schools two thumbs up.

Yet, sometimes getting people’s attention requires extreme measures. It requires shocking, scandalous, and provoking behaviour. In the alternative, it requires wearing a funny wig. Indeed, this is the strategy used by the organizations behind the Flip Your Wig for Justice fundraiser to raise awareness about this very same issue. The funds raised from this event will be directed to raising



REBECCA LOCKWOOD, DEAN SOSSIN AND MELISSA ILLARDO
POSE IN THEIR WIGS.

awareness for access to justice and to supporting the seven Ontario-based non-profit organizations.

The fundraiser took place March 6. Those who participated did so by wearing a traditional judicial wig or wacky wig for the day, or by sponsoring someone to wear a wig for the day. In addition, organizations were encouraged to participate by matching the pledges raised by those employees who were “flipping their wig for justice.”

Nikki Gershbain, the National Director of Pro Bono Students Canada informs us that the event “engaged the profession at the very highest levels including by securing the full support of the Treasurer and Benchers, as well as all the Ontario law deans and judges at all levels of court in Ontario,” in addition to bringing “numerous law firms and other partners on board.” The event also “received coverage from the mainstream and legal press – including internationally,” said Ms. Gershbain.

Of course, students here at Osgoode also did their part. On March 5, Rebecca Lockwood and Miju Damodar, Osgoode Program Coordinators at Pro Bono Students Canada, as well as Pro Bono participant, Melissa Illardo, organized the event Wigzards of Oz(goode). Daniel Anisfeld, the Pro-

gram Manager at Pro Bono Students Canada, was also in attendance to kick off this fun wig-making workshop/party. Aside from testing the creativity of Osgoode students, the event was organized with the purpose of promoting the fundraiser.

In addition, several students and Dean Sossin participated in the main event the following day and, according to our sources, they made Osgoode proud. “I think we did a great job,” said Melissa Illardo reporting about the overall success of the event. According to her, “we raised over \$1000 and were voted runner up for our fun selfie that was taken with Dean Sossin on March 6 in Gowlings Hall!” For those who are curious, tons of pictures and selfies have been posted on the Flip Your Wig

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THUMBS DOWN to...

20-somethings that still require the services of a nanny.

NEWS

We were promised jetpacks!

CLIFFORD McCARTEN

Dean for a Day

AS DEAN, I would standardize the format and delivery of electronic readings across all courses.

I have been a post-secondary student off and on for the past ten years. In that time, institutions have gradually shifted from a predominately physical (i.e., coursepacks) to a predominately electronic mode of delivering edited collections of primary and secondary materials. Costly printed coursepacks of materials freely available online through institutional subscriptions and CanLII have long been a source of grumbling amongst students. So, like many of my colleagues, I laud the curation of digital links and PDF files of journals, cases and other materials.

But when we envisioned a future free of physical coursepacks, we never foresaw the multi-format, unedited overabundance of files, subfolders and changing content we see in course websites and syllabi today. With the transition to digital, we were promised jetpacks, but are stuck driving rattly old trucks. Every course has its own set of multiple PDFs, .docs, links to journals, instructions on accessing journals, policy manuals, and links to unedited hundred-page long SCC cases. Every course website has its own file scheme and naming conventions for readings — or maybe none at all. In the halcyon days of coursepacks, these materials would have been edited, stable and accessible.

From the student point of view, downloading, organizing and reading these multiple files is proving increasingly unwieldy. It's often unclear when materials have been added or changed, and virtually impossible to tell what is properly "part of the course" and what is *obiter*. How does one properly review this disarray of changing materials before an exam? For those (like myself) who read and learn most effectively by underlining and writing comments directly on materials, the multiplicity of file formats makes it extremely difficult to have any consistent digital strategy for note-making. Instead, we're left printing out individual articles and building ad-hoc coursepacks.

In short, in the transition from physical to digital, institutions have quietly and transferred a significant burden of work and time around the preparation, organization and editing of course materials from professors / administrators to students. Over the past ten years, the basic organizational *work* I've had to do just to *get to my* readings has increased dramatically. For schools, this is a customer service failing and a disincentive for student reading.

But it's a relatively simple problem to solve! As Dean, I would support standardizing the delivery of digital readings to maximize acces-

sibility. This means (i) creating a single collated PDF file of all readings for each topic/week of class; and/or (ii) creating a single collated PDF file of all course readings — in effect, a complete digital coursepack. Indeed, to the relief of students, some professors (eg, Rehaag) are already practicing this method of delivery. Standardizing and collating readings would greatly increase the accessibility and manageability of course materials. It would stabilize the increasingly nebulous record of what is actually being covered in courses and would drastically cut down student time dedicated to administration of readings.

Kind regards,
CLIFFORD McCARTEN
2L Osgoode



CLIFFORD MCCARTEN, DEAN FOR A DAY!

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The time to act is now: Transforming research into innovative action

HANNAH DE JONG

Canadian Forum on Civil Justice

RESEARCH MUST always go hand-in-hand with action and implementation. While the Canadian Forum on Civil Justice primarily focuses on access to justice research and advocacy, it also recognizes the importance of putting the recommendations and strategies that are developed by evidence-based research into action. Indeed, it can be said that research, while important, accomplishes little if it does not spur others to act.

While the CFCJ's national "Cost of Justice" survey is currently in the stages of data collection, there is a wealth of other studies with sound recommendations ready to be put into practice. One of the most recent is the final report of the national Action Committee on Access to Justice in Civil and Family Matters, which has sparked discussions around the importance of moving from research and recommendations to action and implementation. The report, "A Roadmap for Change", which came out last October, calls on governments, academics, the legal profession, and

all other stakeholders to rise to the challenge of improving access to justice in Canada. It provides a nine-point access to justice "roadmap" that delineates concrete and innovative goals that we should be striving to meet. Some of these goals include increasing funding for legal aid, strengthening the "Early Resolution Services Sector", making access to justice a central part of professionalism, and transforming courts into multi-service centres for public dispute resolution. Each one of these goals has a set year for completion; all that is left to do is to take action to implement these changes.

The newly launched Winkler Institute for Dispute Resolution, formed in honor of the former Chief Justice of Ontario, Warren K. Winkler, seeks to do just that. Located at Osgoode, the Winkler Institute has an action-oriented three-pillar mandate that focuses on teaching and learning, research and innovation, and practice and pilot projects. One of the many projects already underway involves advancing Osgoode's mediation clinic and ADR programs. Part of the vision for the Winkler Institute is to act as a justice laboratory where researchers and students

can examine different dispute resolution environments and evaluate the impacts of these to create new methods of dispute resolution that improve access to justice. This year, the Winkler Institute will waste no time in announcing more innovative new projects that respond to the Action Committee recommendations, as well as to the proposals contained in other recently released national reports on how to improve access to justice (i.e. the CBA's "Reaching Equal Justice" report).

The Winkler Institute has realized what is becoming clear to so many across Canada – access to justice is a problem that cannot be ignored or subsumed by other issues any longer. Working together with the Canadian Forum on Civil Justice, the Winkler Institute will begin to turn "thinking" into "doing".

The Action Committee Report is posted on the CFCJ website at www.cfcj-fcjc.org/collaborations.

To learn more about the innovative Winkler Institute, visit www.winklerinstitute.ca or talk to Nicole Aylwin at the Winkler Institute's new office in 1015A, Osgoode Hall.

Bank of Canada Deputy Governor Timothy Lane is one of Canada's foremost experts on monetary policy and financial system stability. He joined the Bank of Canada in 2008 after spending 20 years at the International Monetary Fund and several years as an economics professor. In his address, "Building Trust in the Financial System," Mr. Lane will highlight the importance of good governance in the financial system and the economy more generally. He will focus, in particular, on how confidence in financial benchmarks such as LIBOR has recently been undermined, why that matters, and what is being done to restore it. A short Q&A session will follow his speech.

"Building Trust in the Financial System"

Bank of Canada Deputy Governor

Timothy Lane

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OPINION

York U or York euphemism? University oversanitizes tragedy at its own peril

DOUGLAS JUDSON

Contributor

“I GO to Osgoode, not York.” This reflexive clarification is a matter of pride for my classmates at York University’s storied law school. The urge to distance our degrees from the university brand is visceral. Last week, it was once again easy to see why.

Late Thursday evening, a young woman was shot in the Student Centre. A bystander was injured by shrapnel. Canada’s third largest university went into lockdown. And an armed suspect remains at large.

Contrast these facts with the carefully word-smithed statement of the university president, and you wouldn’t be alone in wondering if they were describing the same scenario. President Mamdouh Shoukri writes, “I would like to express my thoughts and concerns for our two students who were injured when a firearm was discharged on the evening of March 6th on our Keele campus.” The full text of the statement is accessible through a bland hyperlink on the university’s website entitled “Presidential statement about the incident on campus”. It was issued by email to the York community Friday morning, after many students, faculty, and staff, had already arrived at school, unaware of the horror that had transpired the night before.

An *incident*? A *firearm was discharged*? The level of downplay is galling. An individual brandished a lethal weapon in our school and shot a bullet into someone’s body. The lives of our friends, colleagues, and mentors were put at risk in a manner reminiscent of far too many chilling events in recent history. The situation calls for more than mere ‘thoughts and concerns’. It calls for proactive condemnation and action.

York’s sanitized statement pales in comparison to the Twitter photos of emergency vehicles, the stretchers being loaded into ambulances, or the YouTube video that offered a bird’s eye view of paramedics attending to a screaming victim on the floor of a chaotic food court. The same place where my classmates and I hastily grabbed dinner only a few hours earlier, and where I often

see my own young students working with their friends, is now a crime scene.

Unfortunately, such passive, guarded, and impersonal messaging seems to be part and parcel of the greater scheme of York’s reputation defense mode. Time and time again, we have seen the university take this approach, much like it did by hand delivering letters to dormitory residents in the wake of other tragedies, for example. Some suggest that this is to avoid the bad news echo effect of email and the internet.

Likewise, on Thursday, no emergency email or text message broadcast was issued, despite the impossibility of administration knowing that the ‘discharge’ would be an isolated occurrence. Emergency messages were emblazoned across campus video screens advising to «stay in place and shelter inside». But ironically, you would need to be in a public area to see this warning.

If York’s media selection and message content are crafted to constrain reputation damage, it isn’t working. As many scandal-plagued organizations or public figures know, taking ownership for negative issues is a first step in showing leadership to eradicating them, making change, and rallying a community. Sweeping them under the rug with anodyne language doesn’t solve the problem. Worse, it invites public scorn, raises eyebrows, and is deeply distressing to those affected. Thursday’s impact on our collective sense of personal security is poignant and warrants a more timely, honest, and active response.

Coincidentally, President Shoukri’s counterparts have taken proactive positions on their own campus challenges the same week as York’s dismissive tone on the food court gunman. The University of Windsor is currently facing a questionable student referendum and anti-Semitic vandalism surrounding the controversial ‘Boycott Divest Sanction’ (BDS) movement. When asked about racism on campus, President Alan Wilde- man said, “We’re an 18,000-person microcosm of the world, with people from 80 countries. I’m not going to say what happens anywhere in the world does not happen on a university campus.” No sugar-coating or blind eyes here: Windsor has launched a full investigation into this issue.

To the east, responding decisively to two separate and serious allegations of sexual harassment and assault at the University of Ottawa, President Allan Rock stated, “These are very troubling times for [our] community. ... As you all know, Student Federation President Anne-Marie Roy was the subject of a sexually graphic conversation on Facebook between five student government officials. And on Monday, the University announced that the men’s varsity hockey program

had been suspended because of allegations of serious misconduct. ... Both incidents raise troubling questions about attitudes and behaviour.» President Rock called a press conference with Chancellor Michaëlle Jean to announce a task force. He condemned the incidents as ‘repugnant’.

These unanticipated scandals were given direct and candid responses, whereas York has deferred to boilerplate statements, despite its history of safety concerns. March 6 marks the second time since my 2011 enrollment at York that a ‘firearm discharge’ has hit a little close to home – too close and too frequent for euphemisms and platitudes on campus safety. Yet, March 7 was business as usual as far as anyone could tell.

Moreover, York’s approach discredits its community’s ability to have a mature conversation about these important issues and popularizes the mythology that York is a categorically unsafe place. The sterile response reads as the output of some siloed consultant tasked with reducing campus hysteria. In contrast, SlutWalk and the Wendy Babcock Drag Show are two home-grown York initiatives where students responded with solutions when campus injustices were aired openly. These initiatives have served to unify us around a set of values and goals. In each, a sense of pride has grown out of ameliorating uncomfortable circumstances. On the subject of campus safety, we need a shift in focus from milquetoast public relations towards a real, substantive, and participatory approach.

For the York University brand to become a beloved commodity, these issues require an open, forthright, and honest dialogue from its leaders.

But, until we see this, I suppose I just go to Osgoode.

Douglas Judson is a JD/MBA student at Osgoode Hall Law School and the Schulich School of Business. He is a former political aide and federal public servant. Find him at @dwjudson.

Editor’s Note: To access President Shoukri’s statement, see YFile. More information on the recent events at the University of Windsor and the University of Ottawa can be found on their respective websites, as well as at www.cbc.com.


THUMBS UP to...

the sweet success of the
Candyland Informal.

The rule of law and social change

MICHAEL CAPITANO

Staff Writer

I'VE SPENT a fair portion of my time this semester exploring *around* the law. That is, instead of taking purely substantive law courses, I've been studying issues regarding legal theory and law and society. So far, it has provided me with much appreciated perspectives on the project of the law and its relation to social change.

It is easy to become cynical over the idea. Some of us come to law school with high hopes of shaping the future, only to be disillusioned by how little impact any one individual has through the practice of law. But I've come to the conclusion that it's not really through law where social change happens. Developments in the law merely reflect the direction of where society is heading. Social change happens through the ongoing discourse between concerned members of society; a re-enactment of that discourse occurs once it broaches the law, either through the courts or the legislature. As lawyers, we serve as advocates and translators to turn social change into legal reform. In order to affect change, then, it is important not to look at the law as a set of rules and principles that purport to govern society, but as a reified entity that impacts the ways we exercise our autonomy. Insights from interdisciplinary approaches on this stubbornly autonomous field can enable us to understand how the law interacts with society.

Social change is inevitable. The same goes for the direction of which change occurs. Anyone who has studied the history of Western civilization will know that change is reactive, that social movements build off each other, and that new ones arise to counter the old ones that have run out of value. It is also cyclical in the sense that although scientific and technological advances move us forward, the core as to what makes us human does not change. The resultant cultural discourse is thus between changes in society and our human experience within it. It is what allows us to pull on insights from the great thinkers of the past and present and appropriate their ideas to help shed insight onto contemporary social issues. It is what will allow us to bridge the gap between societal concerns and the law. It is how decisions like *Bedford* come about and how the *Carter* appeal to the Supreme Court of Canada presents the very real possibility that the Court will overturn its two decade old *Rodriguez* decision on assisted suicide. Social change is going to occur; conservative social values preserved in law are going to be replaced by more liberal, equality- and sustainability-oriented principles. It is only a matter of when, of how long, and if we want to be in control before something happens that

makes that decision for us. I am not making an argument for radical autonomy, but for socially-minded concern for all members of society.

Recently, my Jurisprudence class has been working through the Hart-Fuller debate and what it means for the rule of law. For those of you unfamiliar with the debate, it concerns the connection between law and morality, explored through the context of Nazi Germany. Hart argued from a legal positivist standpoint that law is devoid of morality; that is, there is a difference between what the law is (norms recognized and enforced by the governing body) and what the law ought to be (norms that are just, based on their merits). Fuller, on the other hand, argued that legality only exists when the governing body adheres to the internal morality of law that allows us to govern our interactions with clear reference to the legal rules that order society. On this point, the legitimacy of a legal system breaks down the more the law becomes opaque, since members of society can no longer be sure of what law is that governs them.

Morality finds its way into law because if the governing body adheres to Fuller's principles, then it would be unable to enact grossly unjust laws without resorting to force to uphold them; members of society would not stand for them, and rebellion would ensue. Putting in place procedural justice that recognizes all members of society as rational agents pushes a governing body into passing laws that result in substantive justice, since it allows us to engage in a discourse as to what we want the substantive law to be.

To an outsider, however, regardless of how well our legal system adheres to the internal morality of law, the law can appear opaque, resulting in issues of access to justice. Drawing on Kafka and discussions from my Law & Literature class, a couple of insights can be gleaned. Most of Kafka's work focuses on the individual's struggle to receive validation from society. What his protagonists are concerned with is being acknowledged as a person with rights. With respect to the law, the only option outsiders have is to struggle through it, since it is the only avenue where justice can be achieved. For Kafka's protagonists, there is no resolution—justice is perpetually unachievable.

Take, for instance, Josef K. in *The Trial*. He is unexpectedly arrested by unidentified men of an unidentified agency for an unspecified crime, tries to navigate the bureaucracy of the legal system, and is informed by a lawyer how dire and hopeless his situation is. He becomes consumed with worry over the trial and tries to take matters into his own hands without success. He is eventually stabbed in the heart by the two men, muttering

the last words, "Like a dog!"

A few things stand out to me. Firstly, the lawyer in the novel was unable to provide sufficient legal assistance to Josef K.'s case. This is in no doubt a reality for some litigants, who can spend thousands of dollars on a lawyer without even the filing of a statement of claim. Secondly, the legal system is unnavigable because there is no easy access to information regarding its proceedings. This is also something citizens can struggle with, especially in some tribunal settings. Finally, Josef K.'s last words can indicate his perception on how he was treated. Without ever achieving access to the legal system, without ever being provided *reasons*, he was not conferred the status of a human being. His rights as a rational agent were never recognized. How can we ever be certain the governing body in *The Trial* followed the rule of law if we never know what the rule of law is?

So what does this all mean for us future lawyers who have aspirations of being a part of social change? We can be actively involved in exchanging stories in a way that ensures everyone participating in the trade is treated as a rational agent, with equally valid perspectives and modes of being. If we are to adhere to the rule of law, we should encourage participation in the substantive debate of what the law ought to be. But when parties are not viewed as equals, there is a resultant loss that occurs where the greater party claims victory over the lesser, whether the debate, for example, is between economic freedoms versus social rights or religious liberty versus equality.

Through my Law & Film class, I witnessed this type of struggle in the film *The Journals of Knud Rasmussen*, which depicted the victory of Christianity over traditional Inuit spirituality. What caught my attention was how formalized institutions can consume story-oriented, meaning-rich activities. No doubt the humanities have paid attention to narrativity in recent decades, given the loss of a unifying meta-narrative with technological progress and the advent of globalization. Greater attention is being placed on understanding the perspectives of others instead of treating them as *other* and not acknowledging their rights as human beings.

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THUMBS DOWN to...

law students that don't understand that not showing up for an event doesn't entitle you to a ticket refund.






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THUMBS UP to...

2014's new praxicum course:
Ironing with Trevor Farrow.



Taking Legal Ethics Seriously

DANIEL ADLER

Contributor

OPEN ANY textbook on applied ethics, and you will find the same issues arising again and again: global economic justice, climate change, criminal punishment, world hunger, corporate responsibility, animal welfare, biotechnology. Philosophers don't agree on much, but almost all of them will tell you that these issues are the biggest ethical challenges of our time. In fact, ask any theologian, and they will probably tell you the same thing (although they would probably add homosexuality and abortion to that list).

Before starting law school, I did a master's degree in philosophy, where I focused my studies on ethics. And predictably, these were the issues that kept arising.

When I decided to start studying law, I was excited to learn that legal ethics was a core part of the law school curriculum. I had assumed that a course on legal ethics would address the ethical dilemmas that lawyers face, given the role they often play in these issues. I was looking forward to this because I know that if and when I become a lawyer, these will be the issues that I face.

The unfortunate reality, however, is that the legal profession is not actually interested in teaching law students about acting ethically. They want to teach us about behaving respectfully to people

of other cultural backgrounds, about conducting ourselves civilly with judges and opposing counsel, and about respecting the interests and privacy of clients.

But this is not legal ethics. This is legal etiquette. And while it is an important part of ensuring a smoothly functioning legal profession, it has more to do with cultural norms of behaviour and almost nothing to do the big questions of right and wrong. This is not to say that we shouldn't study legal etiquette. We should. But calling it legal ethics distracts scholars and students from the real ethical issues that lawyers face, and the countless ways lawyers are complicit in creating – and indeed, acting to perpetuate – injustice and evil.

Unfortunately, there are too many examples of this. Take *Choc v Hudbay*. Lawyers for a large mining company are working to prevent that company from facing legal responsibility for the violent actions of a security company it hired in Guatemala. Look at the massive ethical issues here: Given the power of many multinational corporations, should they not be responsible for the consequences of their work on communities in foreign countries? What role do Hudbay's lawyers play in perpetuating the suffering of those Guatemalan villagers? What role do they play in perpetuating environmental degradation and pollution in Guatemala? What are the consequences of that environmental

harm for future generations and other species?

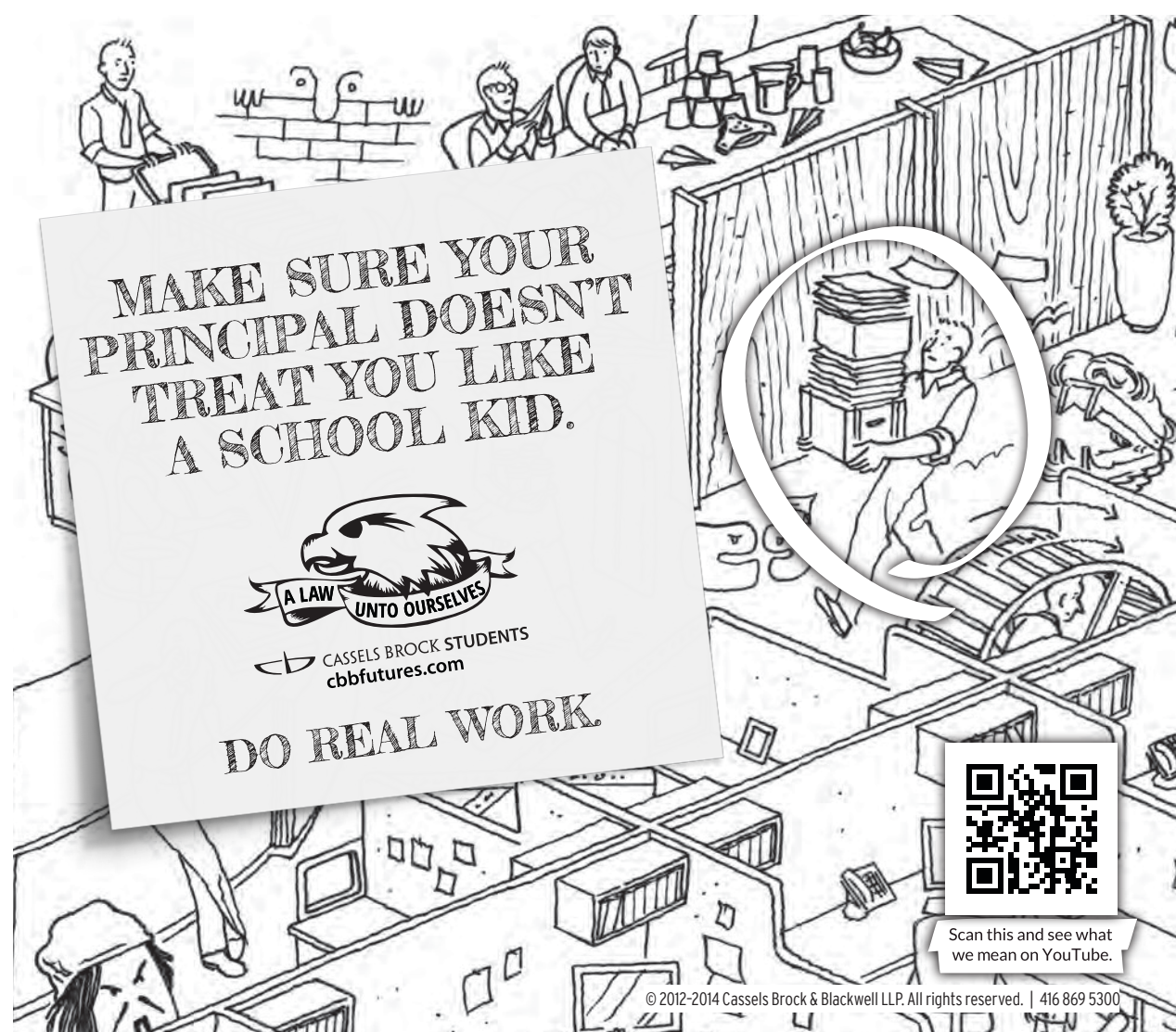
Lawyers that represent large corporations face ethical dilemmas simply as an implication of the ethical dilemmas those corporations face. What are the ethical implications of representing a corporation that uses sweatshops in poor countries? Or a corporation that drills oil in a fragile ecosystem? Or a corporation that develops military equipment? Or a corporation that owns hundreds of factory farms? These are important questions, to which the volumes written about them can attest. Any law student that will one day represent one of these corporations must think seriously about these questions.

Now consider *Canada v Bedford*. Crown lawyers fought for years to defend laws that put poor women in prisons because they tried to make their legal employment safer. Again, there are massive ethical questions here: Is the state ever justified in imprisoning people for non-harmful activities? Are Crown lawyers responsible for perpetuating harm and injustice to sex workers? What role should they play in response to inequitable distributions of wealth in Canadian society?

As with corporate lawyers, Crown lawyers face ethical dilemmas as an implication of the ethical dilemmas that governments face. What are the ethical implications of government surveillance of internet use? Or forming trade agreements with repressive authoritarian regimes? Or in allowing basic needs like education and housing to become increasingly inaccessible to an increasingly large segment of society?

Reasonable people will disagree about how to answer these questions, and I am not trying to defend one position or another. What I am suggesting, however, is that these are the issues that a legal ethics curriculum ought to address. These are the most important ethical challenges we face, and lawyers can often play an important role in perpetuating them, or simply allowing them to continue.

It is true that the legal profession has started to address some important ethical issues. For instance, the concern about access to justice has become more widely recognized, and important work has been done to begin addressing it. But it is only the tip of the iceberg. And if we are to start taking legal ethics seriously, we need to acknowledge that we still have a long way to go.



THUMBS DOWN to...

the comments in the transcript from Convocation at the LSUC about the new Law Practice Program.

OPINION

Trademarks and Corporate Brand Security: The Implications of developing technology

PAUL GILL

Contributor

A TRADEMARK can be almost anything that indicates a source or distinguishes a person's goods or services. It can include words, symbols, graphics and even sound! Companies spend millions developing their trademark or "Brand." The issue arises when defending or enforcing trademark rights, for example, from a passing off actions and trademark infringement claims under the *Trade-marks Act* (see background is for a refresher on passing off). The concern I have here arises when technological advancements, increased collaboration, and social media usage by employees compromises the integrity of corporate trademarks.

What becomes relevant here is the Doctrine of Dilution, where the ability of a famous trademark to distinguish its goods or services is somehow lessened by confusion or deception with another brand. The ability of corporations to defend famous marks through this doctrine was rejected by the Supreme Court of Canada, but it remains as serious concern for corporations trying to defend their trademarks and goodwill associated with their products (see *Mattel, Inc. v. 3894207 Canada Inc.* (2006) and *Veuve Clicquot Ponsardin Maison Fondée en 1722 v. Boutiques Cliquot Ltée.* (2006)).

The strength of a trademark entirely depends on the vigilance of corporations and entities in defending their marks and the uniqueness of the mark itself. A passing off infringement must be proven by the plaintiff (corporation) considering the 1) existence of goodwill in the mark; 2) deception to the public due to misrepresentation/confusion with the defendant's mark; 3) actual or potential damages to the plaintiff (see *Ciba-Geigy Canada Ltd. v. Apotex inc.* (1992)). However, the possibility of confusion or dilution of a trademark has the potential of being greatly exacerbated through unauthorized usage of the mark. This is where employees and their gadgets come in.

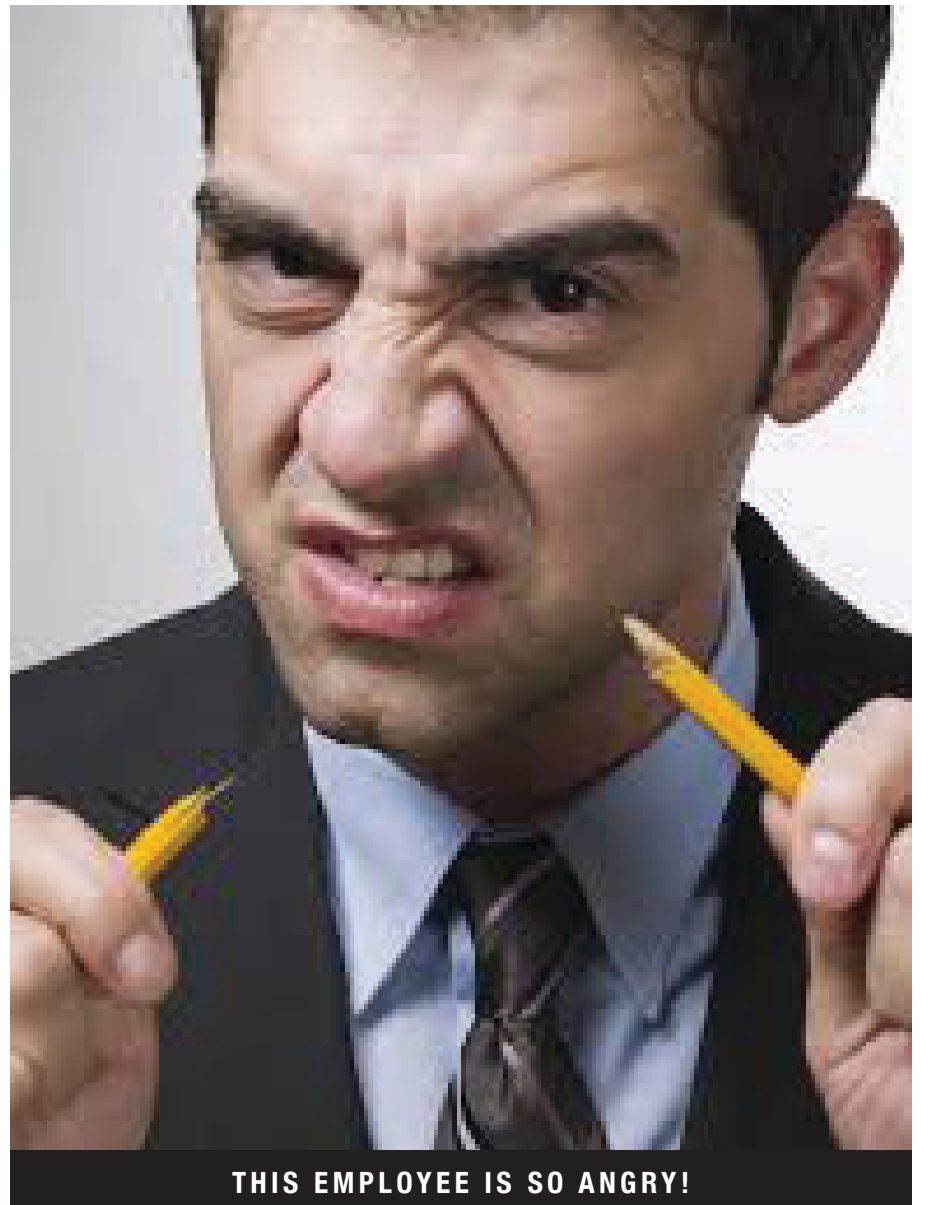
With a click of a mouse, or a single tweet, an angry or careless employee can reproduce and dilute the effectiveness of their corporation's mark. In the hustle and bustle of social media, increased and unfiltered sharing of opinions is inevitable. When an employee indicates their place of employ-

ment or other details to an online friend (often openly visible through social media - such as Twitter, or LinkedIn), the risk of damage to a corporation's reputation through the employee's association is significantly heightened. This can create serious PR concerns for companies... but it also affects the strength of their trademark. Continued "unauthorized" usage of the mark on the internet can easily snowball out of control, costing millions in PR, brand maintenance... or even worse, loss of the mark entirely - to the point where the mark no longer indicates a single source (ex. Kleenex - no longer a registered trademark).

There must be something that can be done to stop the endless unauthorized usage of trademarks today. There are many questions yet to be answers; who should police it? Should the social media outlets take the initiative to police postings of brand names? What about competing interests of "free speech" and the ability of users to simply make new user accounts to avoid sanctions (acting behind the veil of the internet)?

"Balancing the Scales" – My Thoughts:

I would suggest that corporations be proactive and take the initiative to educate their employees of unauthorized usage of trademarks and its penalties (perhaps at the point of hiring). This would allow corporations to hold their employees accountable and possibly reduce unauthorized usage of the mark. Despite the added cost to the corporations for running such educational programs, the long term reduction in trademark infringement claims may well be worth the immediate investment. Although this may not deter the "angry employee" who was terminated from a company from blogging or posting about the company (which raises other concerns altogether), it is in my opinion the best start to addressing an ever-growing issue.



THIS EMPLOYEE IS SO ANGRY!

Sources:

In addition to cases cited above, the inspiration for this blog posting was a Continuing Professional Development (CPD) Webinar by Avner Levin and Howard Simkevitz Re: Employee Use of Technology in the Workplace – The Legal Landscape.

Note: This is not meant to be an exhaustive explanation, and readers are assumed to have a basic knowledge of the law being discussed. Visit my website for some background information regarding passing off should you be curious to learning more.

Stay tuned for more at my BLAWG at www.paulblawg.com and follow me on Twitter @PaulG_Law

THUMBS UP to...

Dean Sossin's interview on Business News Network.



A Little Sheep Told Me: Get Loose

ANGIE SHEEP

Arts & Culture Editor

THIS WINTER may seem like a never-ending story but Fashion Week waits for no one. Despite the cruel weather, designers are rolling out their best spring collections. This year, looseness seems to be the overarching theme on all the runways. Form-fitting silhouettes will still play a huge role in spring and summer, but the new, relaxed trend is a close contender. And, the focus is on loose trousers.

Despite the growing popularity of the flowy fashion, I remain skeptical of its permanence and acceptance in the general population. Sure, it looks stunning and chic on the runways – largely due to the money, time and efforts spent to ensure every detail looks impeccable – but I question its malleability to everyday wear. Some trends, like big, voluminous pants, are simply not suitable for everyone. However, I wanted to be wrong. So I went to the web-sphere for some advice on how to make this challenging style work.

The Defined Waist

These billowing pants have been around for eras, making them a respectable classic. With the right pairings, as I found out, the style can be suited to anyone. The most important thing to look for is a defined waist. This adds form to the incredible volume and distinguishes your legs from your top.

Fitting Top

One advice that holds true across all fashion trends is the significance of contrast and balance; the loose ensemble is no different. As can be seen from the runways, designers usually opt for the small crop top in combination with the billowing bottoms. This is an easy, fail-proof way to incorporate this style into your spring fashion.

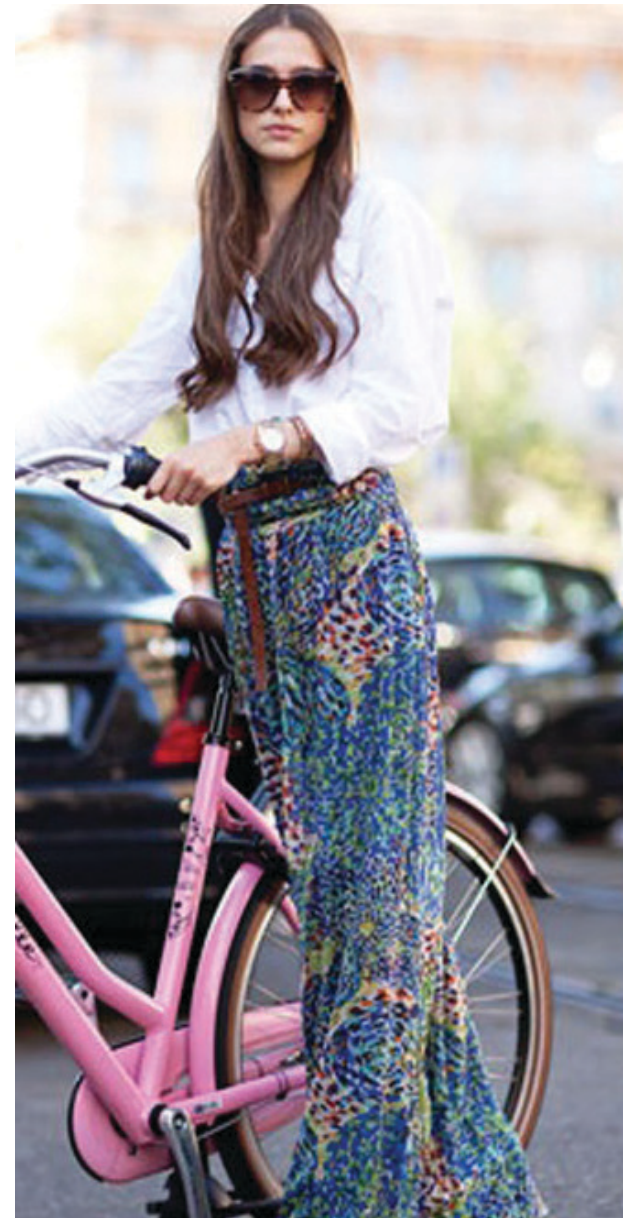
Baggy Top

Some collections have featured volume upon volume, which can also be adapted to everyday wear with a few tweaks. The runways tend to emphasize the dramatic and the shocking, but that may not always be the reaction we want when walking around downtown Toronto. So the whole volume on volume pairing needs to be tweaked a bit.

The best way to make loose tops work with this emerging trend is to pay attention to fabrics and patterns. It is important to establish enough distinction between the two pieces so you don't end up looking like a big pole of flowers or stripes. A chunky knit or silk blouse is a great option to balance out the full trouser. I love the



CLASSY BLAZER, PERFECT FOR JOB INTERVIEWS, BUT ONLY IF WORN EXACTLY AS PICTURED (LEFT). WEARING A PATTERN WITHOUT IT WEARING YOU (RIGHT).



knit complement because the contrast is so blatant, and it's perfect for the (hopefully) upcoming spring weather.

Blazer

The blazer works with anything, and billowing trousers are no different (thank goodness!). It ties the look together by making you appear more structured and professional. If your work allows more creativity in the office, it's definitely a style with which to experiment. Blazers also create a natural waist-line, saving you the time to find a matching belt.

Heels

If you're more petite like me, there is a risk that these pants may drown you. One quick way to remedy the problem is to throw on some heels. They don't have to be huge (as seen on the runways). The important thing to remember is to prevent the pants from dragging on the floor, making them look like oversized PJ's. Heels can

also be great for everyone because they automatically add to leg length.

Upon first impression, the loose, high-waisted trouser trend may seem unmanageable and quite silly. But after looking into it further, I must say I'm more than halfway convinced. I just have to try it for myself now. Although it seems like an impossible task to make them work for everyone, they are actually more versatile and adaptable than one may think. So give it a try and get loose for spring!



THUMBS UP to...

the most ratchet Dean's Formal. Ever.

ARTS & CULTURE

Jurisfoodence: Food Adventure #8

LUKE JOHNSTON &
DAN MOWAT-ROSE

Staff Writers

THE SUN is shining, and we are finally approaching the end of the law school year. It must be time to break plates and luxuriate! It's time, in other words, for Greek food!

Venue: Kalyvia - 420 Danforth Ave (just east of Chester station)

Cuisine: Greek Food

Food: Dolmades (\$6.99), Prix Fixe Combo (\$15.00): village salad, homemade chicken and pork gyros, roast potatoes, rice, Greek cheese cake, baklava, coffee.

LCBO Licensed: Yes sir.

The Pick:

Luke: As we are nearing the end of 3L and our Obiter food adventures, this week I felt drawn to familiar territory - the Danforth. This neighbourhood (four stops east of Yonge station) has been my home for almost a decade. My bias is obvious, but I think it is one of the 3 or 4 best restaurant strips in the city. You can find any type of cuisine here, but Danforth is the place to go for the best Greek food. In fact, after Rob Ford's famous drunken exploits here, even Jon Stewart wanted to know "what the hell goes down on the Danforth?"

Dan: I'm glad we finally got out here. I like the roaming nature of our exploits. Also, we haven't done the Danforth yet, and it's a huge cultural hotbed for Toronto. What's the deal behind this particular eatery selection, chief? Because there are about a thousand to choose from out here.

Luke: There is definitely a range of Greek restaurants on the Danforth. If you want high end go to Pantheon. If you're looking for a quick bite (especially post-bar) Messini is a great bet. But, if you're look for authentic food and affordability, Kalyvia is the place.

Dan: Cheap and legit: everything my York experience hasn't been. Amazing. Lead on.

At the restaurant:

Luke: Sun lit table, Mediterranean melodies, nautical murals - I know you're feeling the vibe here Dan.

THUMBS UP to...

the actual end of the polar vortex of 2014.



ALL STAR DOLMADES (TOP). AN AWESOME GREEK SALAD FOR OUR AWESOME CORRESPONDENTS (BOTTOM).



Dan: I honestly can't tell if you're joking or swooning that we finally came to the Danforth. We are literally across the street from your house. And, are they playing Yanni? It's 1 pm, and we're the only ones in here! Luckily the octogenarian all-male server staff is here to keep us on the straight and narrow.

Luke: Kalyvia has a family-run feel, but they are also quite professional. I appreciated having a pitcher of water and menus right away. At the same time, they didn't make us feel rushed at all. Maybe it was your customary Friday afternoon hangover, but I could see you straining to understand the waiter's thick accent as he rattled off the specials.

Dan: You're not wrong on both accounts. I arrived with a fresh Wendy Babcock Drag Show headache and had zero clue what the waiter was saying at

first, but he was super friendly so I just smiled and went for the combo platter. Many more customers arrived once we were seated; maybe the Danforth crowd dines at a more continental hour.

The Food:

Luke: Kalyvia pre-fixe offers an insane amount of food for \$15. The feast began with Greek salad which, though one of my favourite salads, is very easy to screw up. It can be too soggy, too cold or too oily. The salad here definitely is a winner, however. The lettuce and peppers were crisp and the dressing nicely balanced sharp and smooth flavours. Readers are going to be impressed by our discussion of salad Dan. There is more to a meal than meat, you know - even for Albertans!

Dan: I won't even respond to your veiled slights

against Canada’s ‘have’ province. But, yeah you’re right. You should talk about the salad as it was the only vegetable in the meal besides a potato. I’ll talk about the appetizer: The dolmades were something I was really looking forward to. I’d never had them except from Jimmy the Greek in the wild west saloon we call York Lanes food court. They arrived and were amazing. The grape leaves were super tender but remained intact enough that their contents didn’t fall out. The sauce was something I didn’t expect - kind of a light lemon cream sauce. It was really complex and refreshing. I was impressed. Not as impressed as I was when the rest of the platter arrived though. I was honestly blown away by how much food we got for \$15.

Luke: My God they serve healthy (read terribly unhealthy) portions here. When the elbow-deep pile of homemade rotisserie chicken and pork showed up, you are definitely wondering how it constituted a wrap of any kind. As you eat your way down the pile, though, you do find pita bread that can be folded over. Some pieces may have been slightly overdone, but the savoury-sweet flavour more than compensated. Besides, I think gyro meat is kind of like bacon; can it really be overdone?

Dan: Yeah my experience with gyros has generally been as drunk food, and those iterations always come wrapped up. So yeah I’m a boor for assuming what they serve drunk people in Alberta is what Greek people serve in restaurants in Toronto. However, that assumption held true for poutine in Quebec, so I’m not completely off base here. I don’t think my gyro meat was overdone, and the crisp edges just compliment the overall flavour of the dish. I loved the mix of chicken and pork and building little mini wraps is a fun way to not realize you’ve overeaten until it’s too late. Speaking of overeating, what’s with the potatoes served with Greek food? How do they cook them so that they’re this delicious? How do Greeks eat this and not get enormous? Olive oil?

Luke: I agree the sides are outstanding. Triple carb combo anyone? I would only add that the tzatziki - thick and garlicky - is the perfect complement to the meal.

Dan: I packed half my food to go. So. Full. And then, dessert. My god I forgot the combo came with dessert. The baklava was so dense it was difficult to cut through. Just layer upon layer of walnuts, honey, and pastry. Unbelievable. What was that other dish? It was sort of like New York cheesecake, but lighter.

Luke: Greek-style cheese cake. It too was home-made, delicate and (big surprise) very indulgent.

Amenities and service:

Dan: The server was so friendly and wanted to make sure we enjoyed everything. He seemed



THE KALYVIA COMBO PLATTER, ALSO KNOWN AS A LIGHT SNACK.

really genuine. It was almost a nice break from the caustic attitude of the hipster service staff at places like Grand Electric, the Drake, or the JCR Bar. The Kalyvia staff are great.

Luke: Funny fact about the Danforth: almost all servers are middled aged men. I don’t know why this is so, but the gentleman who served us was definitely gracious and competent. The courses were well-paced and we wanted for nothing.

Dan: I loved that we had the window table and got to take in the street traffic during lunch. So many characters roaming the Danforth are worthy of a few moments observation. Beautiful weather didn’t hurt Kalyvia’s appeal at all either. A RoFo sighting would have put this lunch into the Hall of Fame.

Luke: I also appreciated the free coffee to top it all off. I left feeling very satisfied and more than a little bit sleepy. I think our first and last food adventures might just have been our best!

SCORE		
	DAN	LUKE
FOOD	4	4.5
SERVICE	4.5	5
ATMOSPHERE	4	4
OVERALL: 4.5/5		

#thatsasossybailout



ARTS & CULTURE

Avant Garde Vol 5: Nadia Klein

MARIE PARK

Layout Editor

1L STUDENT Nadia Klein, whose roots in the arts began here in Toronto, comes from a prestigious background in perfecting the cello. Since playing the cello from the young age of 6, Nadia completed her Bachelor of Music Performance at the University of Toronto before continuing on to receive her Masters of Music Performance and Professional Studies Diploma from the San Francisco Conservatory of Music. Then, she completed two years of her Doctorate of Musical Arts at Arizona State University (serving also as the Faculty Assistant for the cello studies).

Nadia has been largely involved in chamber music for her musical career, a role she finds the most comfortable, as she has played for quartets since the age of 10. Among her achievements was her membership in the national award winning Gemini String Quartet, with whom she performed with the St. Lawrence String Quartet.

As well, Nadia is a freelance musician, performing for a variety of different gigs and orchestras including the Windsor and Niagara Symphonies. She also has her own contracting company called Stylish Strings, contracting string musicians for weddings, corporate events, parties, and other occasions. Nadia is part of a duo group named CelloPhone - with saxophonist Chelsea Shanoff - working on new projects, including some that they will be doing over the summer with a grant from the Ontario Arts Council.

Though coming from such a rich and substantial background in professional music performance, Nadia initially considered applying to law school in 2007, following her return to Ontario from San Francisco. But that plan was put on hold, when at the same time, she was offered an opportunity at The Banff Centre as a Music Program Coordinator. This experience helped to lead into other exciting positions, most recently with the Toronto Summer Music.

As for her reasons for the change in track, she comments on a moment of self-reflection: "I recently came out of a bad marriage, the circumstances of which led to me re-evaluating what I want and need in life. Though I absolutely love being a musician, financial stability has become

a driving force. Unfortunately, that is something I will likely never have as a freelance musician."

"The main benefit my music background has afforded me in law school is that I do not get as stressed out as many other students," Nadia says. "Law school, though a longer slog, is not nearly as stressful as orchestra auditions - where you have only a few minutes to prove you are perfect." She adds too that her being older than the average law student helps her to keep perspective about the realities of law school and working full time.

Nadia just celebrated her 28th anniversary as a cellist. "I think that kind of dedication and work easily transfers to being a law student," she says. "I am well aware that not everything comes easily - my mom is a fan of reminding me of how I used to cry because I found the piece 'I'm a Little Monkey' difficult. It was the first piece I ever learned to play, and obviously it is no longer a problem for me!"

As to her present thoughts about her choice to start law school at Osgoode? She answers that she so far feels good about her new direction. "I am loving Osgoode and am excited about the next two years."

As a law student, it is challenging for most to do more than tread water with our course work. As lawyers, many often let go of prior involvements and vocations, but Nadia is optimistic. "I will continue performing with CelloPhone, as well as picking up any other gigs," she says. "The excellent thing about being a freelance musician is that I am my own boss. Chelsea, my saxophone partner, is amazing and seems to not mind having to work around my work or school schedule."

Nadia has a message to all her friends and colleagues of the Osgoode community. "I struggled with the decision to go to law school as I felt I was giving up on being a cellist, or, that people



NADIA KLEIN, FIRST YEAR STUDENT AND CELLIST

would see me as a failure," she says. But, she rallies against these misconceptions: "This is so very wrong! It is completely possible to attend law school, become a lawyer, and still be an active performing musician. I am so grateful to my musician friends who have gone through law school, who I can turn to for support when I feel I am disappointing my musical side."

"And I am perhaps even more grateful to my music friends, the ones who are full time musicians, for being so supportive and even excited for me," Nadia goes on. "Though the change can be scary, if you are a musician and law school is something you are considering, I think it is a great choice. Finally, being a musician will only help you in the field! Everyone I have met loves the fact I am a musician."

THUMBS UP to...

the engaging talk by Kim Pate
on the Ashley Smith Inquest.



Drag show

continued from cover

The Mock Trial Band were typically skilled, and they deserve our compliments, even if Mike Sheps spent a significant portion of the night asking people to touch his chest. Nonetheless, MTB was not involved in all of the night's performances. Sileny Chamorro threw down a remix of a timeless Sir Mix-a-Lot track entitled "Baby Got (Respect) Back". Better than the original, judging from the reaction of the audience. In my experience, it is an easy thing to make an unfiltered political statement, but its effectiveness fades. On the other hand, through some unfathomable quirk of human perception, subtly placing your statement behind the veneer of satire somehow gives it longevity and, ironically, makes it seem more true. Sileny was not the only one to embrace this phenomenon at this year's drag show. For the second time this year, Justin D'Aloisio donned a costume and a funny voice, this time in a send up of Trinity Western University's proposed law school.

Here's a newsflash to law students across Canada advocating against TWU's proposal: your message is stale. Public communications isn't about who's right or wrong; it's about getting people to listen. That may not be fair, but it's the truth. The legalistic and academic rhetoric that has characterized the campaign against TWU to date is directed at – you guessed it – lawyers and academics. If you want to convince British Columbians and Canadians that this proposal is a farce, you have to stop trying to make people afraid of TWU's law school, and start trying to make people think it's funny. Funny beats fear, and Justin D'Aloisio in a wig beats an op-ed any day of the week. Buy that man a drink.

On another serious note, this year's program included a screening of a CBC feature on Wendy Babcock, a few words from Osgoode alumni who knew her, and a slide show of pictures from her time at Osgoode. Obviously, not everyone takes away the same inspiration from Wendy's story, and I can't speak to what anyone else learned from her. But I can say that, as far as I can tell, one truly tragic thing about Wendy's passing is that she wasn't able to continue working as an advocate. The fact that she derived a great deal of her own happiness from working to benefit others in myriad ways is the hallmark of a good and satisfied lawyer. Hers was a loss for the entire profession.

This seems like an appropriate time to mention and thank Louise Lafleur. She worked tirelessly from two continents for months to put the show together, and I must say that she deserves a great deal of credit for the quality of the show. Sometimes it's disappointing when people graduate and go to the Netherlands. This is one of those times. Nonetheless, there is a certain someone in Haarlem who is not so disappointed, and was even good

enough to perform by video for a bunch of people she's never met. That was cool.

You know what else was cool? Mike Ashley's eyelashes. They were so long that I'm sure they brushed Adam Del Gobbo's face ever so gently as Mike, in a brilliant turn as Goldilocks, climbed into "Papa Bear's" lap as the curtain fell on one of the most entertaining skits of the evening.

Also deserving of mention were the Jets vs Sharks-style boy band dance battle, and Jeremy Fisher's return to the stage as one Roberta Ford, a highly promising mayoral candidate. All in all, this year's Drag Show left me feeling elated and inspired for the entire evening, and left me feeling like a big bag of dirt for the entire following day. I choose to blame this on too many "Babcocks", the weaponized shooter developed by the crafty folks behind the JCR bar that tasted primarily of After Eights.

Oh, and the Mancers were there. You all know how I feel about them.

Editorial

continued from page 2

finally conducts themselves genuinely (because some people are genuine assholes) and we get angry that they didn't play the game according to the demented rules that were imposed upon them. Though we might be tempted to villainize JP, or the firms that will reject us, we can no more fault him for staying true to his offensive self than we can fault firms for running themselves as businesses. If we were sitting in the chairs of the recruiters, we would also turn away an applicant for bombing an interview or having earned some less than stellar grades; it is likely that many of us will do just that one day.

The lesson is that life is unfair: Clare did not deserve to be dragged through the mud any more than we deserve to lose an opportunity because we had an off day and bungled our interview. But the same thing holds true in both cases: we and Clare both knew the rules of the game before we started playing, and we knew there was significant risk for our egos to be shattered. *Caveat emptor*, right? And it's also true that, like Clare, we may never fully have the cathartic, rewarding feeling of emerging from the ashes like a phoenix and redeeming ourselves in the face of those who scorned us (unless we engage in mental acrobatics and blatant self-delusion to convince ourselves otherwise). But that's ok.

Despite what Clare's friends are probably telling her right now over their fifth class of merlot, there sometimes is no greater meaning; sometimes things just don't go the way we want them to. It doesn't mean we are definitively better or worse off. Trying to make those judgments with any sort of accuracy is impossible, anyway. But it also

doesn't mean that we will never be happy again. In a career field notorious for its ruthlessness (whether such a reputation is fairly earned or not), rejection shouldn't come as a surprise, because the reality is that every lawyer comes face to face with it sooner or later. What should quell our anguish, however, is the realization that there is very real self-empowerment to be derived from bracketing our failures instead of letting them overwhelm us. And while it's important to distinguish between self-comfort and self-delusion, it is true that each unpleasant experience we will encounter on the job has something to teach us about ourselves, about the lawyer we might not even have realized we wanted to be, if only we pay close enough attention.

Rule of law

continued from page 7

As advocates of justice, our responsibility is not only towards individual clients, but to society as a whole. It may be true that each of us individually can do very little, but by participating and instituting processes that speed up how quickly social developments are translated into law, we can bring about social change a little faster so that the law approximates our collective idea of what it should look like.

Wacky wigs

continued from page 4

Facebook page and on Twitter @flipyourwig.

As for her own experience, Melissa said, "I wore my wig all day; started at Osgoode Hall and made my way all the way downtown in the wig." And, although she "took in all the crazy stares" for her "it was worth it for such a worthy cause - and fun to boot!"

Although numbers have not been released, the word is that the event was very successful. "We have laid a foundation for a successful event for next year and have no doubt that it will continue to grow" said Ms. Gersh bain, certainly pleased with the results.

The Chinese philosopher Lao Tzu once said, "the journey of a thousand miles begins with one step." Let us recognize and congratulate the organizers and participants of this event for taking this very important step and wish them great success in their work and future campaigns.



CONGRATULATIONS TO THE QUARTER FINALISTS OF THE TORYS LLP MOOT
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(MIKE MAODUS, ALICIA LANDRY, LAURA VON HYNITZ, JOE WAHBA, ALEXANDER HAY,
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